

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONNA BERRY,

Plaintiff,

v.

KILOLO KIJAKAZI,¹
*Acting Commissioner of Social
Security,*

Defendant.

No. 1:20-CV-01629

(Chief Judge Brann)

(Magistrate Judge Carlson)

ORDER

FEBRUARY 23, 2022

Donna Berry filed this action seeking review of a decision of the Acting Commissioner of Social Security (“Commissioner”) denying Berry’s claim for social security disability benefits.² In December 2021, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.³

Berry filed timely objections to the Report and Recommendation.⁴ In her objections, Berry contends that Magistrate Judge Carlson erred in concluding that the administrative law judge properly evaluated Berry’s symptoms and treatment,

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Kilolo Kijakazi, as the successor officer to Andrew Saul, Commissioner of Social Security, is automatically substituted as Defendant in this action.

² Doc. 1.

³ Doc. 21.

⁴ Doc. 22.

and properly weighed the medical opinions.⁵ “If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”⁶ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.⁷

Upon *de novo* review of the record, the Court finds no error in Magistrate Judge Carlson’s conclusion that the Commissioner’s decision is supported by substantial evidence. Although Berry disputes some of Magistrate Judge Carlson’s observations and conclusions, Magistrate Judge Carlson correctly determined that, as a whole, the ALJ’s decision is supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 21) is **ADOPTED**;
 2. The Commissioner’s decision is **AFFIRMED**;
 3. Final Judgment is entered in favor of Defendant and against Berry pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);
- and

⁵ *Id.*

⁶ *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁷ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

4. The Clerk of Court is direct to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge